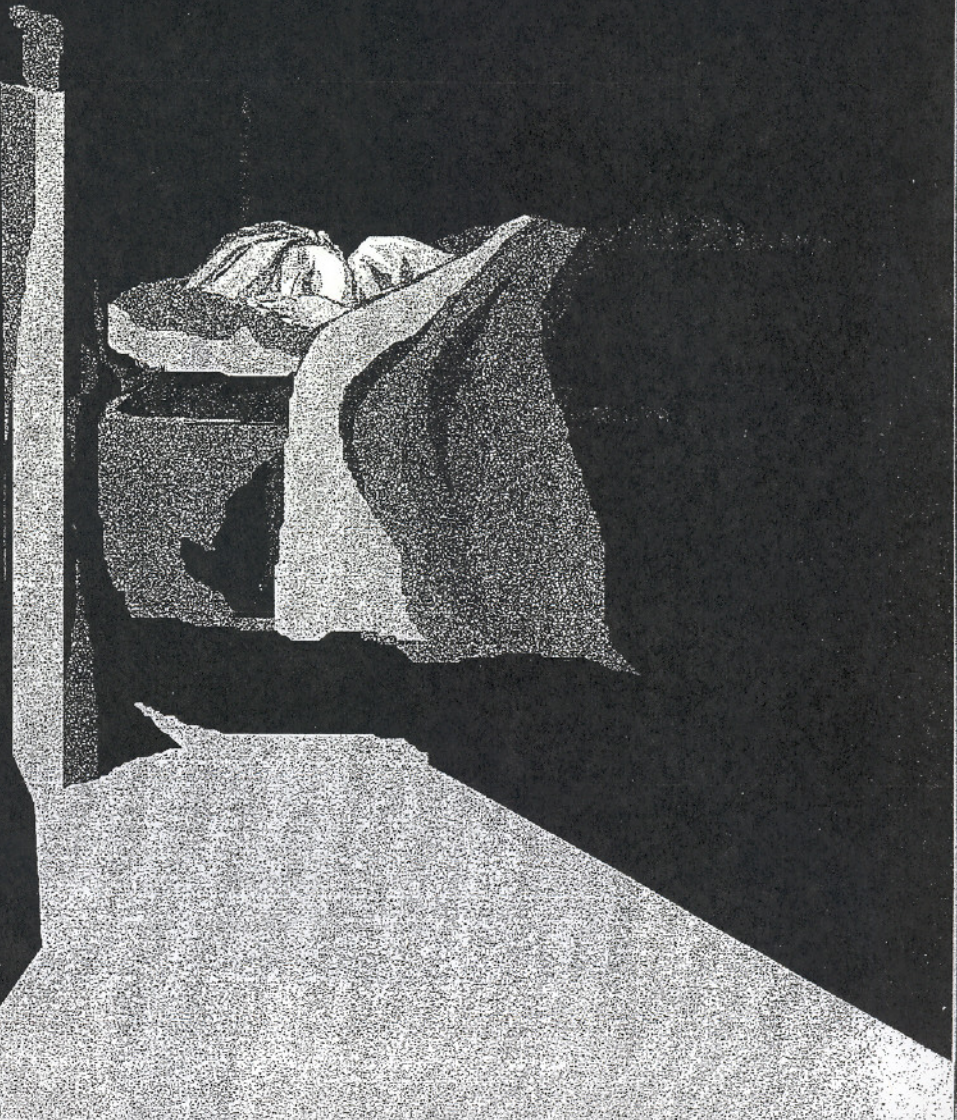


# Situational Prevention of Child Sexual Abuse

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# Sex Crimes against Children: Legislation, Prevention and Investigation

by

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**Abstract:** *Legislation targeting sex offenders was enacted in the U.S. during 1980s and 1990s with the goal of preventing child molestations. These sex offender policies generally aim to prevent sex crimes by focusing on some aspect of the offender, and they range from offender registration with the police to participation in sex offender treatment. In contrast, situational crime prevention (SCP) methods bypass offender-focused approaches, emphasizing modification of situational factors that initiate or facilitate the commission of crimes. This chapter makes suggestions for legislation, prevention, and investigation of child molestation based on empirical data that compare sex crimes with three other violent felonies. Findings indicate that: most sex crimes involve child victims; sex crime rates are comparable to rates of other violent crimes; sex crimes are rarely perpetrated by strangers; most male sex crime victims are victimized under the age of 12; most female sex crime victims are victimized during and after puberty; sex crimes have a decreased*



*probability of arrest compared to other violent crimes; and sex crimes committed by family members and acquaintances have a decreased probability of arrest compared to sex crimes committed by strangers. Implications of the findings for legislation, prevention, and investigation are explored.*

## INTRODUCTION

Cases of child molestation have all but eclipsed similarly heinous crimes in the media and in society (Scott, 2001). In the U.S., this moral panic (Jenkins, 1998) over child molestation began in the early 1980s,<sup>1</sup> when states rediscovered child sexual abuse and began to arrest, prosecute, and incarcerate child molesters in large numbers. For example, between 1980 and 1994, while the overall prison population increased 206%, the number of imprisoned sex offenders grew by 330% (Greenfeld, 1997). In 1998, the number of adult sex offenders in state prisons numbered 94,000 (Beck and Mumola, 1999), increasing to 118,500 in 2002 (Harrison and Beck, 2003), a 26% increase.<sup>2</sup>

The increase in incarceration of child molesters after 1980 was followed in the 1990s by a series of legal policies intended to increase the social control of sex offenders (Simon, 2003), at a time when the number of actual child molestation cases was declining (Jones and Finkelhor, 2001), as were the general crime rates. Policies directed toward sex offenders include Megan's Law<sup>3</sup> or community notification statutes, mandatory sex offender registration statutes, mandatory sex offender treatment, and involuntary commitment to mental hospitals for offenders assessed as sexually violent predators. The policies were developed in response to highly publicized and particularly heinous cases of child molestation by strangers (Simon, 2003). Washington State, for instance, enacted its community notification legislation after a seven-year-old boy was raped and mutilated by a convicted sex offender (Simon, 2003). New Jersey enacted the same type of legislation after a seven-year-old girl was raped and murdered by another convicted sex offender who lived across the street from her (Simon, 2003). A major goal of the resulting 1990s' policies is to prevent child molestation by strangers (Simon and Black, 2004).

The sex offender policies are designed to prevent child molestation by focusing on some aspect of the offender. For instance, sex offender registration requires convicted sex offenders to register with the local police each time they move. If a new sex crime occurs, and no suspect is immediately evident, police often round up the usual suspects – convicted,

registered sex offenders. Sexually violent predator statutes involuntarily commit convicted sex offenders (after they have served their prison terms) to indefinite terms when they are deemed dangerous. These involuntary committed sex offenders are rarely released after their commitments. Sex offender treatment programs, operating in and outside of prison in the majority of states (West et al., 2000; Freeman-Longo et al., 1994; Zgoba, 2004; Zgoba et al., 2003), emphasize changing the offender's sexually deviant fantasies, sexual urges, and behavior.<sup>4</sup> Unfortunately, the effects of treatment do not consistently translate into lower recidivism rates (Simon, 1998). Sex offenders who receive specialized sex offender treatment are encouraged to identify and eliminate deviant sexual fantasies. However, many studies show that sex offenders can eliminate the sexual fantasies but go on to sexually offend again. In some cases, sex offenders participating in treatment have recidivism rates comparable to offenders who do not receive the treatment (Zgoba, 2004; Zgoba and Simon, 2006).

## Child Molestation, Criminology, and the Versatility of Sex Criminals

Although legal scholars are critically examining the legality of policies singling out sex offenders (e.g., Winick, 2003), and clinical treatment providers are actively researching the efficacy of sex offender treatment (e.g., Rice and Harris, 2003) or assessment of dangerousness (e.g., Hanson, 2003), until recently criminologists have ignored this area of research and policy (e.g., Kruttschnitt et al., 2000; Presser and Gunnison, 1999). The neglect by criminology and criminal justice may explain why nationally collected and published criminal justice statistics generally still do not disaggregate sex offenders and their victims to distinguish child molestation cases from forcible rapes of adults. For instance, published statistics on state and federal inmates disaggregate sex offenses in only one table by enumerating the number of prisoners incarcerated for "rape and other sexual assault" (Harrison and Beck, 2003, Table 15, p. 10). The fact that the other sexual assault category is almost three times the size of the rape category can be seen in the table, but this comparison is otherwise neither emphasized nor explained in the text. Similarly, a statistical report on felony sentences in state courts (Durose and Langan, 2003) includes the categories of rape and sexual assault under violent crimes, but does not disaggregate the sex crimes by age of the victim. The report includes a table that indicates that in the year 2000 there were almost twice as many



state felony convictions for sexual assault (20,900) than there were for rape (10,600), but it contains no information on what percentage of these convictions involved victims who were children (Durose and Langan, 2003, Table 1, p. 2). The disjuncture between enactment of sex offender policies in the 1980s and 1990s, and the absence as of 2003 of national data on child molestation cases, thwarts efforts by researchers and policymakers to assess the proportion of sex crimes that involve child victims. Moreover, the absence of the relevant data prevents the sex offender policies from being evaluated for their effectiveness in preventing sex crimes against children.

The neglect of sex offender research and policy by criminologists results in misconceptions that child molestations are committed by individuals afflicted with a sexual deviance or mental disorder (Simon, 2000, 1997). Such misconceptions are rooted in the research of clinical treatment providers, who assess and treat select samples of child molesters after they enter the criminal justice system (e.g., Rice and Harris, 2003). Most of the research on child molesters ignores the molesters' criminal records before and after their incarceration for child molestation, resulting in the myth that sex offenders do not commit non-sex crimes.

In contrast to clinicians, criminologists acknowledge that, although there may be a few specialist offenders, the overwhelming weight of the empirical evidence supports the idea of versatility of offending (e.g., Britt, 1994; Gottfredson and Hirschi, 1990; Hindelang et al., 1981; Hindelang, 1971; Hirschi, 1969; Klein, 1984; Simon, 1996, 1995, 1994; Smallbone and Wortley, 2004a; Wolfgang et al., 1972). Studies finding versatility in offending generally conclude that offenders commit a wide variety of crime types. The proportion of offenders who could be regarded as specialists – that is, offenders who commit only one crime at a high rate – ranges from 1% (Simon, 1994) to 10% (Peterson and Braiker, 1981).

Similarly to the findings of general offender versatility, research on the offending histories of sex offenders has found that sex offenders do not specialize in sex crimes. For instance, in a study of 136 consecutive, convicted child molesters, Simon et al. (1992) found that 50% of the offenders had a prior non-sex crime record. In a subsequent study comparing 142 child molestation cases, 51 rape cases, and 290 violent offense cases, more than 70% of the rapists and violent offenders and 54% of the molesters possessed prior criminal records containing non-sex crimes (Simon, 2000). Similarly, Smallbone and Wortley (2004b), in their study of 362 convicted child molesters, found that 52% of their sample had

previous convictions for non-sex offenses. Moreover, in a study of 207 incarcerated child molesters, Smallbone and Wortley (2004a) found that 69% of the molesters had previous convictions for non-sex offenses. As is the case with other crimes, there may be a few specialists who commit only sex crimes at a high rate. However, the majority of child molesters are versatile in their offending patterns, possessing criminal records that contain more arrests and convictions for myriad non-molestation offenses and few, if any, child molestations or other sex crimes.

Although empirical observations of criminal versatility have existed for years, versatility is directly incorporated into control theory (Gottfredson and Hirschi, 1990). Control theory suggests that crime provides immediate pleasure or benefit to the offender. The specific form of the pleasure can range from mood enhancement to monetary gain (Britt, 1994). The crime itself is seen as opportunistic and requiring little skill or planning. Offenders seek immediate gratification, do not consider the long-term consequences of their behavior, display egocentricity, have low self-control, and act impulsively. Because offenders are not governed by the long-term consequences of their acts, they are “likely to engage in a host of immediately pleasurable activities – from sex to drugs to assault – without pattern, rhyme, or reason” (I. Hirschi, personal communication, March 25, 1996). Instead of specializing in crime types, control theory suggests that criminal offenders are versatile in crimes and other antisocial or self-destructive, risky behaviors such as alcohol abuse, smoking, sexual promiscuity, reckless driving, and accidents. According to control theory, sex crimes, like other criminal acts, have a hedonistic component (Simon, 2000, 1998, 1997). Offenders molest children and rape women because they derive immediate sexual gratification from the acts, failing to consider the long-term consequences of their acts such as legal sanctions and disruptions in relationships.

### **Situational Crime Prevention as an Alternative to Offender-focused Policies**

Because child molesters have a generalized problem with self-control, rather than a specific sexual deviance or mental disorder (Simon, 2000), offense-focused prevention strategies may be more effective than current offender-focused policies. Although predominantly a theory about the role of self-control in offending, control theory emphasizes the importance of situational crime prevention (SCP)-related factors in defining the necessary



conditions for the occurrence of specific crimes and in suggesting how specific crimes can be prevented (Gottfredson and Hirschi, 1990).

Consequently, preventing child molestation by increasing controls through SCP methods is consistent with control theory, offering an attractive alternative to crime reduction efforts targeting offender behavior, such as by improving parental child rearing practices or rehabilitating the offender, both of which may take years to effect changes (Australian Institute of Criminology (AIC), 2003; Clarke and Eck, 2003; Clarke and Mayhew, 1980; Clarke, 1997; Clarke, 1995; Gottfredson and Hirschi, 1990; Simon, 1998). For instance, incarcerated sex criminals who receive sex offender treatment in prison have comparable recidivism rates to sex offenders not receiving the treatment (Zgoba, 2004; Zgoba and Simon, 2006). Thus, the goal of reducing or preventing future sex crimes may be more effectively accomplished by SCP approaches than through current sex offender policies like treating the offender.

SCP is a unique criminological approach which suggests that offender behavior interacts with circumstances in the environment to produce criminal acts (Clarke and Eck, 2003; Clarke, 1997; Clarke, 1995; Clarke and Mayhew, 1980; Wortley, 2002, 2001). According to SCP, prevention of crime can occur by modifying aspects of the environment that initiate or facilitate the commission of crimes (Wortley and Smallbone, this volume, chapter 2). Devising effective SCP programs depends on analyses of specific types of crimes in specific situations. According to Clarke (1997, p. 2), situational crime prevention "... [p]roceeds from an analysis of the circumstances giving rise to specific kinds of crime, it introduces discrete managerial and environmental change to reduce the opportunity for those crimes to occur. Thus it is focused on the settings for crime, rather than upon those committing criminal acts. It seeks to forestall the occurrence of crime, rather than to detect and sanction offenders." In summary, situational crime prevention comprises opportunity-reducing measures that are directed at specific types of crime, tailor the design of the environment, and make crime more risky and difficult for offenders (Clarke, 1997).

Wortley (2002, 2001) notes that opportunity reduction represents only half of the equation, and that the motivation to commit a crime may itself be situationally-dependent. Wortley distinguishes between the relationship of "precipitators" and "opportunities" in a two-stage model.

He suggests that in the first stage criminal behavior may be entirely prevented if situational precipitators or instigators are controlled. When criminal behavior is not prevented in the first stage, the second stage involves the individual's weighing of the costs and benefits that are expected to follow. The second stage of the model corresponds to Clarke's initial four types of opportunity-reduction techniques (Clarke, 1997; Wortley, 2002, 2001). Wortley's insights have resulted in a revised model of SCP that incorporates some of the precipitating factors under the heading of reducing provocations (Cornish and Clarke, 2003). The addition of precipitators has had both a theoretical and a practical influence on the original techniques suggested by Clarke (1997).

SCP's intellectual foundation includes theories of environmental criminology (Brantingham and Brantingham, 1984, 1981), rational choice (Cornish and Clarke, 1986) and routine activities (Cohen and Felson, 1979). Environmental criminology examines the manner by which the physical environment facilitates the perpetration of a crime (Brantingham and Brantingham, 1984, 1981), whereas rational choice theory suggests that offenders weigh the risks and the benefits of committing a crime (Cornish and Clarke, 1986). Routine activity theory examines the intersection of environment and offender, and suggests that the necessary elements for a crime to occur consist of a motivated offender, an attractive target, and an absence of capable guardianship of the target (Cohen and Felson, 1979).

### SCP and Preventing Child Molestation

SCP has focused largely on the prevention of instrumental crimes that benefit the offender tangibly, as opposed to more personally expressive crimes (e.g., Clarke and Eck, 2003; Gill, 2000). For example, SCP has been applied to residential and business burglaries, credit card theft, employee theft, shoplifting, vandalism to elevators and bus stops, theft from cars, purse snatchings, obscene phone calls, pay phone toll fraud, and check forgeries (e.g., Clarke and Eck, 2003; Clarke, 1997).

In contrast, child molestation prevention tactics primarily rely upon secondary and tertiary prevention techniques. For example, children are taught to report whether they have been touched inappropriately or told to keep a secret, whereas adults are trained to identify and report children who are molested. However, such strategies fail to prevent the sexual victimization of children.



This chapter adds to the body of SCP research by presenting data on sex crime incidents that challenge common misconceptions of sex offenders and their victims. Taking account of the empirical realities of sex crime incidents can facilitate the development of successful prevention strategies targeting child molestation. Moreover, this chapter demonstrates how sex crime incidents differ from other violent felony incidents in regard to incidence rates, victim and offender characteristics, the victim-offender relationship, and arrest rates. These differences suggest that approaches to preventing child molestation may differ substantially from approaches used to prevent some types of violent felonies and be similar to those used in other types of felonies. The implications of the findings for legislation, prevention, and investigation are explored.

### DATA SOURCES AND ELEMENTS

The data are from the National Incident-Based Reporting System (NIBRS) for the year 2000, which is distributed by the Federal Bureau of Investigation (FBI) and maintained by the National Archive of Criminal Justice Data (NACJD) at the Inter-University Consortium for Political and Social Research (ICPSR). Until the recent availability of the National Incident-Based Reporting System (NIBRS), designed to eventually replace the Uniform Crime Reports (UCR), national data sources were not able to provide specific information on sex crimes, such the age of the victim and other characteristics of sex crime incidents. Prior to NIBRS, researchers of sex crimes have long struggled with the shortcomings of police report and victimization data in addressing sex crimes against children (Snyder, 2000). For police (UCR) data, these shortcomings include: the limitation of police data to one narrow category; the forcible rape of females; the absence of information on the age of the victim; the absence of information of the offender's relationship to the victim; and the fact that only one crime is counted in incidents involving multiple offenses (U.S. Bureau of Justice Statistics, 1997b; Rantala and Edwards, 2000). Victimization data from the National Crime Victimization Survey (NCVS) contain survey data on individuals 12 years of age and older (e.g., Hart, 2003; Rennison, 2003, 2002), omitting victimization data on sex crimes experienced by individuals younger than age 12.

NIBRS reports on 46 types of crime incidents and arrests within 22 categories (U.S. Bureau of Justice Statistics, 1997b).<sup>6</sup> Like the UCR,

participation in NIBRS is voluntary, and anecdotal accounts suggest that law enforcement agencies may not be sufficiently funded for the time and personnel it takes to compile and report all the data. For those reasons, the year 2000 data supplied by NIBRS-certified states cover only 17% of the United States' population and represent 15% of the nation's crime volume (U.S. FBI, 2002). Other limitations of the data include the tendency of police reports to often underestimate the number of sex crimes and other violent felonies committed by offenders known to the victim.

Although there is no way to ascertain the representativeness of the sample, the 2000 NIBRS data indicate that the number of sex crimes reported to the police (42,610) was almost as large as the number of robberies (45,010), a common stranger crime. Therefore, accepting the inherent limitations of the data, the sheer number of reports and detailed information available on each incident provides researchers and policymakers with a unique opportunity to analyze the characteristics of sex crimes.

NIBRS is used in this chapter to examine the characteristics of four forcible sexual crimes (forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling); the characteristics of two non-forcible sexual crimes (incest and statutory rape); and the characteristics of three non-sex violent crimes (kidnapping, aggravated assault, and robbery) reported to NIBRS. The FBI definitions and instructions for coding of the sex crimes are presented in the appendix. In particular, this chapter examines the rate of sex crimes, the percentage of victims of sex crimes who are children, the ages and genders of the victims, the victim-offender relationships, and the predictors of arrest for sex crimes compared to other violent crimes.

The original data structure allowed multiple records for most of the record types in the data set (victim, offender, arrestee, offense, and property). The raw relational NIBRS data were converted from an incident-based data set to a victim-based set. Incident data were written to each victim record, as was other detailed information (age, race, sex, offender-victim relationship, victim injury). A series of other variables reflecting incident characteristics was added to each victim record (use of force or weapon, number of offenders, number of victims, number of crimes, offender age, offender sex, offender race, and the reporting state). Thus, even though the data structure was victim-based, each record contained incident-based information. The result was a moderately sized record, which could be processed by standard statistical analysis software.



### **Distribution and Rates of Sex and Comparison Violent Crimes**

The NIBRS data include smaller jurisdictions. The cities range in size from 191 to 936,498, with an average population of 128,734. The population size for the 25th percentile is 20,297; for the 50th percentile, 58,721; and for the 75th percentile, 532,680. The distribution of offenses includes 14,740 forcible rapes, 3,816 forcible sodomy cases, 2,362 sexual assaults with an object, 18,801 forcible fondlings, 471 incest cases, 2,420 statutory rapes, 7,647 kidnappings, 122,380 aggravated assaults, and 45,010 robberies. The largest categories of sex crimes are forcible fondling (18,801) and forcible rape (14,446).<sup>7</sup> The smallest category is incest, with just 471 cases. The 0.95 rate of sex crimes per 1,000 people is almost as high as the rate of robberies (1.01); the rates for kidnapping and aggravated assault are 0.17 and 2.75, respectively.

### **Age and Gender of the Victim**

Compared with other violent crimes, sex crimes reported to the police are more likely to be committed against children. Seventy-two percent (72%) of sex crime victims are under the age of 18, compared to 35% in kidnappings, 17% in aggravated assault, and 12% in robbery. The percentage of sex crime victims under age six is 12%, compared to 9% in kidnapping, 2% in aggravated assault, and 0% in robbery. The percentage of sex crime victims between the ages of 6 and 11 is 19%, compared to 10% in kidnapping, 2% in robbery victims, and 3% in aggravated assault. The percentage of sex crime victims between the ages of 12 and 17 is 40%, compared to 15% in kidnapping, 10% in robbery, and 12% in aggravated assault. However, in adulthood, sex crime victimization is less common than is victimization in other violent felonies. For instance, 13% of sex crime victims are between the ages of 19 and 24, compared to 24% in kidnapping, 27% in robbery, and 25% in aggravated assault. Moreover, 8% of sex crime victims are between the ages of 25 and 34, compared to 22% in kidnapping, 22% in robbery, and 26% in aggravated assault. Throughout the remaining lifespan, sex crimes continue to decrease relative to other violent felonies. Thus, 8% of sex crime victims are 34 and older, compared to 20% in kidnapping, 39% in robbery, and 32% in aggravated assault.

The majority of victims of sex crimes (86%) and kidnappings (71%) are female, whereas most victims of aggravated assaults (59%) and robberies

(67%) are male. Although females constitute the majority of sex crime victims over all, the majority of males who are sexually victimized are victimized under the age of 12, whereas the majority of females who are victimized are victimized from age 12 into adulthood. Thus, although only 14% of all sex crime victims are male, of all males who are sexually victimized, 27% are victimized while they are under the age of 5, compared to 10% of all females who are sexually victimized at that age. Of all males who are sexually victimized, another 35.5% are victimized between the ages of 6 to 11, compared to 16% of all females who are sexually victimized at that age. Forty-three percent of all females who are sexually victimized are victimized between the ages of 12 and 17, compared to 26% of all sexually victimized males who are victimized at that age. The trend for higher female sexual victimization continues from age 12 throughout adulthood.

Similarly to the sex crimes, males constitute a minority of kidnapping victims. Among all male kidnapping victims, 20% are victimized under the age of 5 compared to 8% of all females who are kidnapped at that age. In addition, among all males who are kidnapped, 20% are kidnapped between the ages of 6 and 11 compared to 9% of all females who are kidnapped in that age group. However, during puberty kidnapping victimization of females begins to exceed that of males. Of all females who are kidnapped, 17% are between the ages of 12 and 17, compared to 15% of all males who are kidnapped in that age group. Of all females who are kidnapped, 28% are between the ages of 18 and 25, compared to 17% of all males who are kidnapped. Thus, female kidnapping continues to exceed that of males throughout the remaining lifespan (and appears to be a form of domestic violence). No substantial differences exist between male and female victimization in aggravated assault and robbery.

### **Other Descriptive Characteristics of Victims and Incidents**

Forcible sodomy (19%) is the sex crime most likely, and statutory rape (5%) the sex crime least likely, to involve multiple victims. Practically all statutory rape cases (99.9%) involve juvenile victims, whereas only slightly more than half of the forcible rape cases (52%) do. The sex crime with the largest percentage of juvenile offenders is forcible sodomy (41%), whereas only 15% of statutory rape cases involve juvenile offenders. Considering that both statutory rape and incest are classified by the FBI as



non-forcible sex crimes, it is surprising that both these crimes have a high percentage of offenses involving the use of force or a weapon, with 74% for statutory rape and 69% for incest. Moreover, the highest percentage of victim injuries among the sex crimes is found in statutory rape (39%) and incest (33%) cases, whereas the lowest percentage of victim injury is found in the forcible fondling cases (10%).

Kidnappings are the most likely of the comparison crimes to involve juvenile victims (35%), compared to aggravated assaults (17%) and robberies (12%). The sex crimes that tend to be perpetrated by white offenders range from 68% of forcible rapes to 80% forcible fondlings; the majority of kidnapping (60%) and aggravated assaults (60%) are also perpetrated by white offenders, whereas only 27% of robberies are committed by white offenders.

### Victim-Offender Relationships

Table 1 presents the victim-offender relationships in sexual crimes. Contrary to the assumptions of sex offender legislation, only 16% of juvenile victims are victimized by strangers. Almost half of sexual victimizations occur at the hands of acquaintances, a category of individuals who do not fit neatly into one of the other four categories: intimate, parents, other family, or strangers.

Table 1: Victim-Offender Relationships in Sex Crimes

Victim Age	Offenders					Total
	Parent	Intimate	Family	Acquaintance	Stranger	
All Victims	11.2	7.7	11.9	48.3	21.0	100.0
Juveniles	14.8	5.4	15.4	48.7	15.7	100.0
0 to 5	25.9	0.1	25.8	35.1	13.1	100.0
6 to 11	19.5	0.3	24.5	43.0	12.7	100.0
12 to 17	9.2	9.3	8.1	55.5	17.9	100.0
Adults	1.9	15.0	3.0	46.5	33.6	100.0
18 to 24	3.2	9.6	3.0	53.5	30.7	100.0
25 to 34	1.8	18.0	2.5	43.8	33.9	100.0
35+	0.8	17.1	3.8	41.9	36.4	100.0

Table 2 presents the victim-offender relationships in kidnapping cases. Two-thirds of kidnappings of juvenile victims are perpetrated by family members, intimates and acquaintances, with only a third perpetrated by strangers. In fact, the largest percentages of juvenile victims are kidnapped by their parents (37%).

Table 3 shows the victim-offender relationship and age of victims in aggravated assault cases. The table shows that the majority of assaulted juveniles are victimized by family members and acquaintances, with only one-quarter being assaulted by strangers. The younger the child is, the more likely she is to be assaulted by a parent, with almost half of children who are assaulted under the age of 6 being assaulted by their parents.

Table 4 shows the victim-offender relationship in robbery cases. The majority of juvenile robbery victims (77%) are victimized by strangers. Almost twice as many juvenile (22%) as adult (12%) robberies are perpetrated by acquaintances.

### The Probability of Arrest

An arrest is made in 28% of the sex crimes, ranging from a low of 24% in forcible rape to a high of 37% in statutory rape cases. Fewer than half of the other violent crimes result in an arrest, with 21% of robberies, 39% of kidnappings, and 46% of assaults resulting in arrest. Tables 5 and 6

Table 2: Victim-Offender Relationships in Kidnapping

Victim Age	Offenders					Total
	Parent	Intimate	Family	Acquaintance	Stranger	
All Victims	13.0	29.0	3.3	19.5	35.1	100.0
Juveniles	36.7	4.3	4.8	20.4	33.8	100.0
0 to 5	64.6	0.3	7.9	11.9	15.3	100.0
6 to 11	46.1	0.2	4.8	13.6	35.3	100.0
12 to 17	13.5	9.5	2.7	30.0	44.3	100.0
Adults	0.6	42.3	2.6	19.3	35.3	100.0
18 to 24	1.1	41.1	1.7	22.0	34.1	100.0
25 to 34	0.5	47.5	1.4	17.0	33.6	100.0
35+	0.1	37.9	4.9	18.5	38.5	100.0



**Table 3: Victim-Offender Relationships in Aggravated Assault Crimes**

Victim Age	Offenders					Total
	Parent	Intimate	Family	Acquaintance	Stranger	
<b>All Victims</b>	3.4	20.9	7.7	37.8	30.1	100.0
<b>Juveniles</b>	14.9	2.6	8.4	48.6	25.4	100.0
0 to 5	47.6	0.1	7.9	22.4	22.0	100.0
6 to 11	20.8	0.1	9.8	49.5	19.8	100.0
12 to 17	9.2	3.6	8.1	51.8	27.4	100.0
<b>Adults</b>	1.0	25.2	7.7	36.1	29.9	100.0
18 to 24	1.9	20.1	4.6	39.7	33.7	100.0
25 to 34	0.9	23.3	5.5	34.4	31.0	100.0
35+	0.5	26.7	12.0	34.6	26.2	100.0

**Table 4: Victim-Offender Relationships in Robbery Crimes**

Victim Age	Offenders					Total
	Parent	Intimate	Family	Acquaintance	Stranger	
<b>All Victims</b>	0.0	1.2	0.4	12.9	85.4	100.0
<b>Juveniles</b>	0.1	0.5	0.2	22.1	77.2	100.0
0 to 5	0.0	0.0	0.0	10.8	89.2	100.0
6 to 11	0.2	0.0	0.5	20.7	78.6	100.0
12 to 17	0.1	0.6	0.2	22.5	76.7	100.0
<b>Adults</b>	0.0	1.3	0.5	11.9	86.4	100.0
18 to 24	0.0	1.4	0.4	13.6	84.6	100.0
25 to 34	0.0	1.9	0.3	11.1	86.7	100.0
35+	0.0	0.8	0.6	11.1	87.5	100.0

show the results of logistic regression analyses examining correlates associated with the probability of arrest. For purposes of the first analysis, crime types were dummy-coded with robbery as the reference category. For purposes of the second analysis, crime types were dummy-coded with sex crimes as the reference category. For both analyses, the victim-offender relationships were dummy-coded with stranger as the comparison group.

**Table 5: Logistic Regression Predicting the Arrest of Sex and Comparison Offenders (using robbery as the reference category)**

Offense	UC (S.E.)	Odds Ratio
Murder	1.14 (.25)	3.12***
Burglary	0.24 (.05)	1.23***
Assault	0.74 (.02)	2.10***
Kidnapping	0.46 (.04)	1.58***
Rape	0.42 (.05)	1.52***
Fondling	0.33 (.03)	1.34***
Sodomy	0.74 (.08)	2.10***
Object	0.08 (.06)	1.08
Incest	0.19 (.64)	1.21
Statutory	0.42 (.50)	1.52
Acquaintance	0.18 (.01)	1.20***
Child	-0.21 (.05)	0.82***
Intimate	0.53 (.06)	1.71***
Family	0.69 (.03)	1.99***
One victim	-0.45 (.01)	0.64***
Victim injury	0.29 (.01)	1.34***
Victim age	0.01 (.00)	1.01***
Victim male	-0.01 (.01)	1.02
Victim white	0.18 (.02)	1.20***
Weapon	0.18 (.02)	1.20***
One crime	-0.09 (.03)	0.92**
One offender	-0.06 (.01)	0.95***
Offender age	0.01 (.00)	1.00***
Offender male	0.01 (.02)	1.01
Offender white	0.27 (.02)	1.31***
Rape / intimate	-0.31 (.09)	0.74***
Rape / child	0.62 (.10)	1.85***
Rape / victim age	-0.02 (.00)	0.98***
Rape / burglary	0.67 (.15)	1.96***
Sodomy / family	-0.63 (.10)	0.53***
Sodomy / victim age	-0.02 (.00)	0.98***
Fond / victim male	-0.26 (.05)	0.77***
Fond / family	-0.51 (.06)	0.60***
Assault / intimate	0.24 (.07)	1.27***

(continued)



**Table 5:** (continued)

Offense	UC (S.E.)	Odds Ratio
Assault / child	0.71 (.06)	2.03***
Kidnap / intimate	0.66 (.08)	1.93***
Kidnap / child	-0.34 (.11)	0.71***
Nagelkerke (pseudo)	$R^2 = .12$	
Chi-square (df)	14729.77	
p-value	.0001	

UC = unstandardised coefficient; SE = standard error

\*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$ 

Interactions were tested to determine whether the probability of arrest varied by type of crime, relationship, or victim age.

### Main Effects: Offense Type and Victim-Offender Relationship

For the analysis with robbery as the reference category, sex crimes (except sexual assault with an object, incest, and statutory rape), kidnapping, and aggravated assault are more likely to result in arrest than are robberies. Acquaintances, intimates, and other family members are more likely than strangers to be arrested. Parents are significantly less likely than strangers to be arrested.

For the analysis with sex crimes as the reference category, robberies are more likely to result in arrest than are sex crimes. Other family members are significantly more likely to be arrested than are strangers. Parents are significantly less likely than strangers to be arrested.

### Main Effects: Victim and Offender Characteristics

For the analysis with robbery as the reference category, victim and incident characteristics influence the probability of arrest. Victim injury, victim age (older), victim race (white), and multiple victims increase the probability of arrest. Offender characteristics also influence the probability of arrest. Offender age (older), offender race (white), the involvement of multiple offenders, and the commission of multiple offenses, all increase the probability of arrest.

**Table 6: Logistic Regression Predicting the Arrest of Sex and Comparison Offenders**

Offense	UC (S.E.)	Odds Ratio
Assault	0.13 (.09)	1.14
Kidnapping	-0.45 (.13)	1.58
Robbery	0.10 (.14)	2.63***
Acquaintance	-0.02 (.01)	1.02
Child	-0.25 (.04)	0.78***
Intimate	-0.77 (.05)	0.93
Family	0.10 (.04)	1.12**
Victim injury	0.20 (.02)	1.22***
Victim age	-0.01 (.00)	0.99***
Victim male	-0.05 (.02)	0.96
Victim white	0.03 (.03)	1.03
Weapon	0.21 (.02)	1.24***
One crime	-0.69 (.05)	0.50***
Offender age	0.04 (.00)	1.00***
Offender male	0.49 (.59)	1.63***
Offender white	0.24 (.02)	1.27***
Assault / intimate	0.55 (.05)	1.73***
Assault / child	0.54 (.05)	1.72***
Assault / victim white	0.18 (.03)	1.20***
Assault / offender male	-0.47 (.06)	0.63***
Assault / one crime	0.52 (.06)	1.69***
Assault / family	0.38 (.05)	1.46***
Assault / victim age	0.02 (.00)	1.02***
Assault / victim male	0.07 (.03)	1.07*
Assault / victim injury	0.07 (.03)	1.07*
Kidnap / intimate	0.63 (.09)	1.88***
Kidnap / victim age	0.02 (.00)	1.02***
Kidnap / weapon	0.54 (.08)	1.71***
Kidnap / offender age	-0.01 (.00)	0.99*
Robbery / intimate	0.52 (.06)	1.68***
Robbery / victim age	0.01 (.00)	1.01***
Robbery / weapon	-0.52 (.06)	0.59***
Robbery / offender male	-0.88 (.09)	0.41***

(continued)



Table 6: (continued)

Offense	UC (S.E.)	Odds Ratio
Robbery / one crime	0.44 (.08)	1.55***
Robbery / victim white	0.27 (.05)	1.30***
Robbery / one victim	-0.43 (.03)	0.65***
Nagelkerke (pseudo)	$R^2 = .10$	
Chi-square (df)	11688.65 (36)	
p - value	.0001	

UC = unstandardised coefficient; SE = standard error

\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$

For the analysis with sex crimes as the reference category, victim and incident characteristics influence the probability of arrest. Victim injury, offender weapon, offender age, offender gender (male), offender race (white), and the offender's commission of multiple offenses, all increase the probability of arrest, whereas younger victims decrease the probability of arrest.

### Interaction Effects

For the analysis with robbery as the reference category, over and above the main effects of the offense, victim, relationship, and offender variables, certain interactions influence the probability of arrest. Aggravated assault by parents and intimates, kidnappings by intimates, forcible rapes by parents, and forcible rapes occurring during a burglary, all increase the probability of arrest. Kidnapping by parents, forcible rapes by intimates, forcible rapes of younger victims, forcible sodomy of younger victims by family members, and forcible fondling of female victims by family members, all decrease the probability of arrest.

For the analysis with sex crimes as the reference category, over and above the main effects of the offense, victim, relationship, and offender variables, certain interactions influence the probability of arrest. Aggravated assaults by intimates, parents, other family members, against white victims, older victims, male victims, by offenders who commit one offense, and offenders who injure the victim, all increase the probability of arrest, whereas aggravated assaults by male offenders decrease the probability of arrest. Kidnappings by intimates, of older victims, by younger offenders,

and by offenders using a weapon increase the probability of arrest. Robberies by intimates, of older victims, of multiple victims, by female offenders, by offenders who do not use a weapon, by white offenders, and by offenders who commit one offense, all increase the probability of arrest.

## SUMMARY AND IMPLICATIONS OF FINDINGS

### Prevention

Although policies targeting sex crimes and offenders have been in existence since the early 1980s, until the recent creation of the NIBRS, national statistics on sex crimes lacked essential specifics, such as the age of the victims and other characteristics of the offenses. The findings of these unique NIBRS data indicate that the rate of sex crimes, a predominantly non-stranger offense, is almost as high as the rate of robberies, a common stranger crime. Unlike robbery, kidnapping, and aggravated assault, in which only a fraction of offenses involve juvenile victims, almost three-quarters of sex crime victims are children under age 18. Moreover, unlike other violent felonies, almost 80% of all sex crimes are committed by family members and acquaintances.

SCP methods in the past have focused mostly on property crimes committed by strangers. The existence of a trusted relationship with the victim poses the greatest challenge to SCP methods in targeting child molestation and other sex crimes. Although prevention efforts aimed at parents may be the most difficult to devise and implement, parents constitute only 14.8% of perpetrators of sex crimes of juveniles. Family members constitute another 16% of perpetrators, and prevention efforts targeting them might prove similarly difficult. In contrast, acquaintances commit almost half (49%) of all sex crimes against juveniles, and these offenses may be more amenable to SCP methods because they occur outside of the largely private arena of the familial relationship. Unfortunately, the current data do not provide sufficient detail on the specific relationships within the category of acquaintances to guide specific prevention efforts. We can only assume that acquaintances are individuals outside the family who have varying relationships with the family and/or the child. At a minimum, the SCP strategy of increasing effort by controlling access suggests that limiting access to children by individuals outside the immediate family could prevent potential acquaintance offenders from molesting



children. Limiting access does not necessarily entail barring all contact with acquaintances. Instead, the SCP strategy of increasing risks by extending guardianship suggests that increasing parental or family supervision of acquaintance contact with children, to ensure that children are not left alone with acquaintances, may prevent many acquaintance molestations. Focusing SCP efforts on the largest category of offenders, acquaintances, could conceivably prevent almost half of all child molestations.

Because children often come into contact with acquaintances outside the home in places like school, church, and day care, the SCP strategy of increasing efforts by controlling access to facilities could reduce or prevent child molestations. One way to control access to facilities like school, day care, and churches that serve children would be to screen people who work there or who work with children in the facilities. Both control theory and findings on the versatility of offenders suggest that individuals who have criminal records containing any type of crime would be more likely than individuals without such records to molest children. Control theory also suggests that people with low self-control are not only more likely to commit crimes, but may also engage in analogous, risky behaviors such as substance abuse, reckless driving (and resulting automobile accidents), and other behaviors that provide immediate pleasure at the expense of negative long-term costs. Therefore, screening prospective employees for drug and alcohol abuse and poor driving records could reduce the number of employees with low self-control, who are more likely than employees with higher self-control to molest children. And screening prospective employees on the above grounds may be justified by non-control theory interests. (Non-control theory interests refer to unique aspects of the NIBRS data that are not reflected in the theory, such as young boys being at higher risk of sexual victimization than young girls. Non-control theory interests also refer to SCP strategies not associated with low self-control.) To ensure the safety of children, one may not want to entrust the care of young children to individuals with a history of substance abuse or poor driving records.

The data indicate that although males constitute only 14% of sex crime victims, among all males who are sexually victimized, the majority are sexually victimized under the age of 12. This may be compared to females, whose risk of sexual victimization begins to exceed that of males at older ages, beginning at age 12 and continuing throughout the lifespan. The data do not explain why males under the age of 12 and females after the age of 11 are at higher risk for sexual victimization. However, sexual

victimization of young boys and teenage girls is inconsistent with responsible parental supervision. In routine activity theory (Cohen and Felson, 1979), the absence of a capable guardian is one of the necessary conditions for crime. SCP methods aimed at increasing risks through extending guardianship suggest that increasing responsible adult supervision of males under 12 years and females after the age of 11 may reduce victimization in these age groups (unless the parents are the perpetrators). In addition, parents may not understand the risks of permitting their children to have unsupervised contact with acquaintances because the media often focus on the danger of stranger molestation. At the same time, sensational media coverage of acquaintance molestation obscures the risk to children from family members. For example, as the media covered the recent child molestation trial of entertainer Michael Jackson in an almost circus-like atmosphere, no media attention was given to the hundreds of children in the child welfare system in Santa Barbara, California who are molested by family members and non-celebrity acquaintances. The SCP strategy of increasing effort by target hardening could make use of the media in high-profile cases, like the one involving Michael Jackson, to highlight statistics about the risk of child molestation by family members and acquaintances. This form of target hardening would focus on parents and family members who may be unaware that their own children are at less risk for child molestation from strangers than from the people they know and trust.

Only 16% of juvenile sex crime victims, 34% of juvenile kidnapping victims, and 25% of juvenile aggravated assault victims are victimized by strangers, compared to 77% of juvenile robbery victims. Consequently, robbery is the only crime against juveniles where the majority of perpetrators are strangers. A large percentage of sex crimes, kidnappings, and aggravated assaults against juveniles are perpetrated by parents and other family members. For example, 42% of the kidnappings, 30% of the sex crimes, and 23% of the aggravated assaults of juveniles are committed by parents and other family members. The SCP strategy of reducing permissibility may be relevant to all three non-robbery crimes. In non-robbery crimes against children, parents and family members may share rationalizations or cognitive distortions about their offenses. For example, child molesters frequently rationalize their behavior by blaming the victim as the one who seduced the offender, or by insisting that they (the molesters) were educating the victim about sex. Kidnappings of children are often instigated by the non-custodial parent, who probably engages in cognitive distortions about the unfairness of the legal custody proceedings that



awarded custody to the custodial parent. Aggravated assaults of children by parents and family members also may involve cognitive distortions about the victim provoking the violence by conduct such as soiling her pants and crying. Using public education and media campaigns to challenge and correct the distorted thinking in these three crimes could make use of the SCP strategy of removing permissibility and clarifying the offender's role in his/her behavior as well as preventing potential offenders from neutralizing thoughts of violence towards their children.

Sex crimes are less likely to result in arrest than other violent crimes, except for robbery. The two types of sex crimes that are most likely to result in arrest are forcible rape of a child by a parent and forcible rape during a burglary. Other sex crimes, such as those against younger children by family members, are unlikely to result in arrest. The data do not explain why the forcible rape of a child by a parent increases the probability of arrest. SCP strategies could target situations involving younger children and family members, which often do not result in arrest, by using the strategy of increasing effort and target hardening in order to educate parents about the risks of molestation of their children by other family members. Also, the SCP strategy of increasing effort by controlling access to young children could involve parental supervision of contact between family members and young children. Supervising contact between children and family members with a criminal record also can control access. Thus, responsible parental supervision can serve as both a means to control access and extend guardianship of children.

Because 12% of sex crime victims are under the age of 6, and because these victims include neonates, infants, toddlers, and very young children, prevention and arrest in these cases may be more problematic. Moreover, the data do not indicate how cases involving such young victims come to the attention of police. Information on how these cases come to the attention of police is important for SCP strategies aimed at such cases.

## Legislation

The findings that sex crimes may be as numerous as robberies, and that the majority of sex crime victims are children, suggest a need for special sex crime policies. However, current policies like sex offender registration and community notification aim to protect children from stranger child

molesters, which constitute the minority of cases. The legislation does not protect the majority of children from family members and acquaintances. With the data indicating that only 16% of juveniles are molested by strangers, targeting stranger molestation through legislation is misdirected and unwittingly places children in greater danger by lulling parents into a false sense of security (Palermo and Farkas, 2001; Simon, 1997; John Jay Study, 2004). The purpose of new legislation would be to protect children from sex crimes at the hands of family members and acquaintances.

After two decades of legislation targeting the arrest and prosecution of sex offenders, it is disturbing that the arrest rates for all sex crimes are lower than for other violent crimes except for robbery, which is predominantly a stranger crime. Moreover, the only non-stranger relationship that is most likely to result in arrest for a sex crime is a parent who commits a forcible rape. Other sex crimes committed by family members have a decreased probability of arrest. New legislation might consider creating mandatory arrest policies, similar to the ones developed in domestic violence cases, in cases where a family member or acquaintance is suspected. Domestic violence mandatory arrest legislation and law enforcement policies were developed to resolve the problem of police reluctance to arrest an offender simply because the situation involved domestic matters (e.g., Hirschel and Hutchinson, 2003). A similar reluctance to arrest family members in sex crimes could be addressed by the implementation of such policies.

## Investigation

Several of the findings have implications for investigation of sex crimes. For those 12% of victims who are under the age of six, investigation practices and legal rules may need to be modified where a family member or acquaintance was the sole caretaker at the time of the offense and the child is too young to testify or the child is unable to talk when infants and toddlers are the victims.

The finding of the greater risk of sexual victimization for young boys than for young girls under the age of 12 suggests that increased intensity of investigations of sex offenses against boys should be undertaken by law enforcement in cases of molestation by acquaintances. Most available statistics suggest that boys are rarely molested compared to girls. The



statistics on male victimization may reflect greater denial on the part of parents and law enforcement in cases where the perpetrator is male because of the stigma of sexual relations between males.

The offense versatility found in sex offenders should alert law enforcement to the fact that sex offenders are not specialists in sex crimes. Consequently, in investigating new sex crimes, the common practice of rounding up all the usual suspects (i.e., convicted, registered sex offenders) should be abandoned in favor of widening the net to all criminal offenders. The finding that almost 80% of all sex offenders are family members and acquaintances should guide law enforcement to apply the same zeal in investigating sex crimes by known offenders as they do to stranger offenders. Such zeal could also be applied to the decision to arrest sex offenders where a family member or acquaintance is suspected.

## CONCLUSIONS

This chapter compares sex crimes with other violent felonies. Findings indicate that, compared to other violent felonies, almost three-quarters of sex crime victims are children. In addition, compared to other violent felonies, the majority of sex crime victims are children molested by family members and acquaintances, not strangers. Moreover, after decades of policies targeting sex offenders, sex crimes have a decreased probability of arrest compared to other violent felonies.

The finding that sex crimes are almost as numerous as robberies, the prototypical stranger violent crime, suggests a need to replace current sex offender policies that target stranger molesters. Instead, new sex offender policies are needed to address the fact that the majority of molesters are family members and acquaintances.

Moreover, current sex offender policies are designed to prevent child molestation by focusing on some aspect of the offender, such as compelling him to register as a sex offender or treating him with therapy. Because sex offenders have a generalized problem with self-control rather than a specific deviance or mental disorder, offense-focused prevention strategies may be more effective in preventing child molestation.

Based on the findings, this chapter makes suggestions for how SCP methods can be applied in the largest category of child molestations, those committed by acquaintances. SCP methods in the past have been applied mainly to instrumental crimes by strangers. Application of prevention efforts to interpersonal crimes by non-strangers could prevent the majority

of non-robbery violent crimes, particularly child molestation and other sex crimes, where the majority of the offenders are known to the victims.

The established research on the versatility of offending has not reached most police departments that still round up the usual suspects – convicted, registered sex criminals – after a new sex crime occurs. Broadening the suspect pool to all convicted offenders is more likely to contain the sought-out offender than are suspect pools containing only registered sex offenders. This and other suggestions for investigation of sex crimes are made.

Sex offender legislation, prevention, and investigation policies and procedures are most effective when based on the empirical realities of sex crimes instead of media myths based on stranger danger. Because most sex crimes are not committed by random strangers, they are more easily prevented by an informed public and more easily solved by police officers. Unfortunately, the vast majority of people in society are not informed or educated on situational prevention methods that could prevent many crimes in general, and sex crimes in particular, that are committed by family members and acquaintances. In addition, most police officers in this country are not educated about sex crimes, which are often referred to specialized sex crimes units.

Just over one-quarter of sex crimes are perpetrated against adults. Police data are particularly susceptible to underestimates of sex crimes, particularly sex crimes against adults. For example, a police officer/student recently bragged in class that the majority of rapes never happen, and that out of 20 rape accusations his department received, only one had been confirmed. Most police officers are not trained to accept the fact that most rapes, like child molestations, involve offenders who are known to the victim, and police often become immediately suspicious of the victim who reports such a rape. The same problem may result in child molestation cases involving offenders known to the victim – the hesitancy of police to arrest sex crime offenders compared to other violent felonies may be due to the likely existence of a relationship between the victim and the offender in sex crimes cases. If true, the poor treatment of sex crime cases in the legal system may be the strongest argument for utilizing situational crime prevention methods to prevent sex crimes altogether.

Future research is needed to examine the effectiveness of situational crime prevention efforts in reducing sex crimes. As the data indicate, the facts that sex crimes are as numerous as robberies and that the victims are mostly children suggest that preventing sex crimes should be a criminal



justice policy priority. Given the failure of offender-focused efforts that include registration, incarceration, and treatment, policymakers might consider a national focus on situational prevention strategies that are designed to prevent crimes (and victimization) from occurring in the first place.



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## NOTES

1. The rediscovery of child sexual abuse in the 1980s can be traced back to the 1962 publication on the Battered Child Syndrome by Dr. Henry Kempe (Kempe, 1962) and subsequent national legislation in the 1970s that created financial incentives for states to create child protection agencies, enact mandatory reporting statutes, investigate child abuse, and create record-keeping systems (Mangold, 2003). Since 1980, child protection agencies, working with law enforcement and prosecutors, have treated sexual abuse cases with the zeal of a "moral panic" (Jenkins, 1998). Although current national statistics give us a general idea of the numbers of sexual offenders in the criminal justice system today, comparable statistics for sexual offenders in the 1970s are hard to come by for many reasons. First, the term sexual assault came into being in the 1970s as a result of the rape law reform movement, suggesting that the greatest number of sexual offenses in the 1970s probably consisted of forcible rapes of adult women. Second, in the 1970s national criminal justice statistics on sex crimes against children were either completely unavailable or they lacked key details about the offenders and offenses.
2. The current national data are not broken down by age of the victim.

3. Megan's Law is named after seven-year-old Megan Kanka, a New Jersey girl who was raped and killed by a known child molester who had moved across the street from the family without their knowledge. The law provides the public with certain information on the whereabouts of sex offenders so that members of local communities may protect themselves and their children. Megan's Law statutes are often referred to as community notification statutes because they require police to notify community members of a dangerous sex offender residing in or moving into the community.
4. Note that, for a clinical diagnosis of paraphilia or pedophilia, an individual does not need to engage in sexual activity with a child (or other inappropriate individual or nonhuman object, for paraphilia). To be diagnosed with pedophilia, for example, an individual needs to have fantasized about sexual activity with a prepubescent child for at least six months, so long as the fantasies or sexual urges cause clinically significant distress or impairment in social, occupational, or other important areas of functioning (Simon, 2000). Consequently, a major component of some sex offender treatment programs is eliminating the deviant sexual fantasies or preference alone, although recidivism is best predicted from prior criminal history and not sexual preference for children (Simon, 2000).
5. The law enforcement agency's data are certified once they have met the FBI's strict reporting standards.
6. A crime incident is defined as one or more offenses committed by the same offender or group of offenders acting in concert at the same time and place. An incident may or may not result in an arrest. NIBRS reports on 22 categories of crime types, such as arson, weapon law violations, gambling offenses and so on. One crime incident can contain multiple crimes, and therefore multiple categories of crimes per incident. For example, a person who kills someone at a bar could also be committing some type of weapons violation as well as other crimes in addition to murder as part of the same incident.
7. The FBI definitions and instructions on coding are included in the Appendix. The reader might want to examine the definitions and coding instructions for forcible rape and statutory rape because the instructions are confusing when it comes to coding the offenses that involve young victims. The contradictory and confusing instructions provided by the FBI may explain why the two non-forcible crimes, incest and statutory rape, appear more violent than the so-called forcible sexual crimes.



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## APPENDIX

## FBI Definitions and Instructions

*Forcible Rape*

Definition – The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable or giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

This offense includes the forcible rape of both males and females. In cases where several offenders rape one person, report one Forcible Rape. Do not count the number of offenders. If force was used or threatened, the crime should be classified as Forcible Rape regardless of the age of the victim. If no force or threat of force was used and the victim was under the statutory age of consent, the crime should be classified as Statutory Rape. The ability of the victim to give consent must be a professional determination by the law enforcement agency. The age of the victim, of course, plays a critical role in this determination. Individuals do not mature mentally at the same rate. Certainly, no 4-year-old is capable of consenting, whereas victims aged 10 or 12 may need to be assessed within the specific circumstances.

*Forcible Fondling*

Definition – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. Forcible fondling includes "indecent liberties" and "child molesting." Because Forcible Fondling is an element of Forcible Rape, Forcible Sodomy, and Sexual Assault With An Object, it should be reported only if it is the sole forcible sex offense committed against a victim.

*Forcible Sodomy*

Definition – Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's



will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. If a victim is both raped and sodomized in one incident, then both offenses should be reported.

### *Sexual Assault with an Object*

**Definition** – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.

## **Definitions of Non-Forcible Sex Crimes**

### *Statutory Rape*

**Definition** – Nonforcible sexual intercourse with a person who is under the statutory age of consent.

If force was used or threatened or the victim was incapable of giving consent because of his/her youth or mental impairment, either temporary or permanent, the offense should be classified as Forcible Rape, not Statutory Rape.

### *Incest*

**Definition** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### *Kidnapping*

**Definition** – The unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodian parent(s) or legal guardian. This offense includes not only

kidnapping and abduction, but hostage situations as well. Although the object of a kidnapping may be to obtain money or property, this category is intended to capture information only on the persons actually kidnapped or abducted, not those persons or organizations paying ransoms. Therefore, for each kidnapping incident, report as victims only those persons taken or detained against their will.

### *Robbery*

**Definition** – The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm. Robbery involves the offender taking or attempting to take something of value from a victim, aggravated by the element of force or threat of force. The victim, who usually is the owner or person having custody of the property, is directly confronted by the perpetrator and is threatened with force or is put in fear that force will be used. If there is no direct confrontation and the victim is not in fear of immediate harm, an extortion should be reported. In pocket-pickings or purse-snatchings, direct confrontation does occur, but force or threat of force is absent. However, if during a purse-snatching or other such crime, force or threat of force is used to overcome the active resistance of the victim, the offense is to be classified as robbery. Cases involving pretended weapons or where the weapon is not seen by the victim but the robber claims to possess one are also classified by Robbery and the alleged weapon reported. If an immediate "on-view" arrest proves that there was no weapon, the offense is classified as Robbery, but the weapon is reported as "None." In any instance of robbery, report one offense for each distinct operation. As in the case of other crimes against property, only one offense is reported regardless of the number of victims involved. The victims of a robbery include not only those persons and other entities (businesses, financial institutions, etc.) from whom property was taken, but also those persons toward whom the robber(s) directed force or threat of force in perpetrating the offense. Therefore, although the primary victim in a bank robbery would be the bank, the teller toward whom the robber pointed a gun and made a demand should also be reported as a victim, as well as any other person upon whom an assault was committed during the course of the robbery.



### *Aggravated Assault*

Definition – An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. For purposes of Aggravated Assault reporting, a “weapon” is a commonly known weapon (a gun, knife, club, etc.) or any other item which, although not usually thought of as a weapon, becomes one when used in a manner that could cause the types of severe bodily injury described in the above definition. A “severe laceration” is one which should receive medical attention. A “loss of consciousness” must be the direct result of force inflicted on the victim by the offender. Aggravated Assault includes: assaults or attempts to kill or murder; poisoning; assault with a dangerous or deadly weapon; maiming, mayhem, assault with explosives; and assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease by biting, spitting, etc.) All assaults by one person upon another with the intent to kill, maim, or inflict severe bodily injury with the use of any dangerous weapon are classified as Aggravated Assault. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could cause serious personal injury. By definition, there can be no attempted assaults. On occasion, it is the practice to charge assailants in assault cases with assault and battery or simple assault even though a knife, gun, or other weapon was used in the incident. For UCR purposes, this type of assault is to be classified as aggravated.